

# **EXHIBIT “B”**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

TINA LINDQUIST

Plaintiff,

: NO. 04-249E

v.

HEIM, L.P.

DEFENDANT.

CASE MANAGEMENT ORDER

AND NOW, this 20<sup>th</sup> day of January, 2005, IT IS ORDERED that this action is placed under Local Rule 16.1 of this Court for pretrial proceedings and all provisions of the Rule will be strictly enforced. This action is designated a Track I case under Local Rule 16.1.3.

IT IS FURTHER ORDERED that counsel shall confer with their clients prior to all case management, status, or pretrial conferences to obtain authority to participate in settlement negotiations to be conducted by the Court. Counsel are encouraged to instruct the principals to be available by telephone to facilitate the amicable resolution of all litigation.

IT IS FURTHER ORDERED that compliance with provisions of Rule 16.1 shall be completed as follows:

- (1) The parties shall move to amend the pleadings or add new parties by March 21, 2005 (60 days after initial case management conference).

The parties shall complete fact discovery by 240 days from initial case management conference. All interrogatories, depositions, requests of admissions, and requests for production shall be served within sufficient time to allow responses to be completed within 30 days after the close of fact discovery.

(2) **EXPERT REPORTS AND DISCOVERY:**

(a) Plaintiff's expert reports shall be filed by 30 days after the close of fact discovery.

(b) Defendant's expert reports shall be filed by 60 days after the close of fact discovery.

(c) All expert depositions shall be completed by 90 days after the close of fact discovery.

(3) Responses to motions to compel are due within 10 calendar days of the filing of the motion.

(4) Motions for summary judgment with evidentiary material and accompanying briefs, if appropriate, shall be filed by 20 days after the end of fact and expert discovery. Responses to motions shall be filed within 14 days of filing of such motion. Briefs supporting or opposing summary judgment motions shall not exceed 15 pages, excluding tables of authorities. Reply and surreply briefs shall not be filed unless approved/requested by the Court.

- (5) Plaintiff's pretrial narrative statement shall comply with Rule 16.1.4.A, and be filed by 40 days after the end of fact and expert discovery.
- (6) Defendant's pretrial narrative statement shall comply with Rule 16.1.4.B, and be filed by 70 days after the end of fact and expert discovery.
- (7) Material facts not identified in the pretrial narrative statements may be excluded upon objection or *sua sponte*. Witnesses or exhibits not identified in the pretrial narrative statements shall not be admissible at trial, except for an exhibit to be used solely for impeachment purposes. Plaintiff should use numbers with "P" prefix to designate exhibits (e.g., P1, P2,...); Defendant should use numbers with a "D" prefix to designate exhibits (e.g., D1, D2,...).
- (8) The parties shall not amend or supplement their pretrial narrative without leave of Court.
- (9) All parties shall file an indication whether or not they are willing to proceed to trial in front of a Magistrate Judge by thirty (30) days.

BY THE COURT,

